



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 21 1994

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

MEMORANDUM

OSWER Directive No. 9200,3-17

SUBJECT: Integration of Environmental Justice Into OSWER Policy,
Guidance, and Regulatory Development

FROM : Elliott P. Laws *[Signature]*
Assistant Administrator

TO: Addressees

PURPOSE

It is OSWER'S policy that environmental justice be considered as an integral part in the development of all OSWER policies, guidances and regulations. This directive carries out a recommendation in the OSWER Environmental Justice Task Force Draft Final Report. It reflects my firm commitment to achieve the environmental justice goals of the President and the Administrator.

BACKGROUND

Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations", directs each Federal Agency to "make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health and environmental effects of its programs, policies, and activities on minority populations and low-income populations. . . ". In response to the Executive Order and to concerns voiced by many groups outside the Agency, the OSWER Environmental Justice Task Force was formed to analyze the array of environmental justice issues specific to waste programs and to develop an overall strategy to identify and address these issues. This is presented in the OSWER Environmental Justice Task Force Draft Final Report, April 25, 1994. One issue identified by the Task Force was the need to ensure that attention is focused on environmental justice in policy, guidance and regulation development. To address this issue, the OSWER Environmental Justice Steering Committee recommended that this directive be issued.

DISCUSSION

Environmental justice issues should be considered at all stages of policy, guidance and regulation development, beginning with preliminary efforts. Staff should first evaluate the subject matter for the-possibility of disproportionately high and adverse impacts on minority and low-income communities . Offices may wish to develop methods for determining which are the most important topics requiring consideration of environmental justice.

Where environmental justice concerns or the potential for concerns are identified, staff should conduct an appropriate analysis of the issue(s). To the extent practicable, staff should evaluate the ecological, human health (taking into account subsistence patterns and sensitive populations) and socio-economic impacts of the proposed decision-document in minority and low-income communities. Examples include how a policy on future land use would impact minority or low-income communities versus non-minority, affluent communities, or how subsistence farming or fishing patterns relate to risk-assessment policies. This could include the development and evaluation of various options, taking into consideration the pros and cons of each option. This analysis should be documented and retained for public availability.

At all critical stages of development, there should be meaningful input from stakeholders, including members of the environmental justice community and *members* of the regulated community. Federal, state or local government agencies may also be stakeholders and should be consulted, as appropriate.

A guideline for identifying communities which may need particular attention regarding environmental justice concerns is being developed and will be issued shortly. This guideline will present a variety of indicators of environmental justice concerns and should be used to facilitate this evaluation process.

IMPLEMENTATION

When policies, guidances and regulations are sent forward for my signature, that of the Deputy Assistant Administrators, or that of the Administrator or her Deputy, the transmittal memorandum or "action memorandum" that accompanies them should document the actions that have been taken to carry out this directive. Specifically, these memoranda should describe the issues that have been identified, the options that have been developed and analyzed, as well as any consultation that has been conducted. They should describe comments that have been received and how issues were resolved. I have asked the Policy Analysis and Regulatory Management Staff to help assure that OSWER is consistently documenting these efforts.

Documents developed for the Office Director's or other signature should be reviewed by the environmental justice coordinator in that Office. Office Directors have a personal responsibility to ensure the implementation of this directive. Each Office should develop its own implementation process. Similarly, the Waste Management and the Environmental Services Division Directors in each of the Regions should ensure that someone is assigned to review documentation of efforts to implement this directive.

CONCLUSION

This directive plays an important role in OSWER'S part of the Agency's mission to achieve the goals of educating and empowering affected communities and attaining environmental protection for all. Additional guidance will be forthcoming to assist the programs and Regions in addressing environmental justice issues and concerns. With the continued commitment of each of us, I know that we can accomplish these important goals.

Addressees: Director, Office of Emergency and Remedial
 Response
 Director, Office of Solid Waste
 Director, Office of Underground Storage Tanks
 Director, Superfund Revitalization Office
 Director, Technology Innovation Office
 Director, Chemical Emergency Preparedness and
 Prevention Office
 Directors, Waste Management Division
 Regions I, IV, V, VII
 Director, Emergency and Remedial Response Division
 Region II
 Directors, Hazardous Waste Management Division
 Regions III, VI, VIII, IX
 Director, Hazardous Waste Division
 Region X
 Regional Counsel
 Regions I-X
 Directors, Environmental Services Division
 Regions I-VIII, X
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